

THE  
**DEBTORS' JOURNAL.**

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EDITED BY AN ASSOCIATION OF GENTLEMEN.

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"MAN'S INHUMANITY TO MAN  
MAKES COUNTLESS THOUSANDS MOURN!"

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No. 1.

BOSTON, SATURDAY, SEPTEMBER 23, 1820.

VOL. I.

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AFTER the exertions which have been made, by many of our most worthy and enlightened citizens, to have something done for the benefit of poor debtors, it would be unnecessary for the editors of this paper to urge the importance of such a publication, to the community at this time.—They are deeply impressed with a belief that our debtors' laws are extremely oppressive to the poor debtors, while they afford but little assistance to the creditors; that they only serve as rods in the hands of tyrants to torture the unfortunate, while the more independent debtors have it in their power to escape the lash. Viewing this as a growing evil, and as repugnant to the laws of liberty and equality, they deem the subject worthy of legislative attention as well as that of individuals; and, with a sincere desire to benefit their country, to subdue aristocracy and promote our freedom and happiness, as Americans, they have proposed to edit this periodical publication; which, they intend shall delineate the bad effects of oppressive laws, in other countries, and the evil consequences of them in our own; and, also contain such original matter as will place the subject of imprisonment fairly before the eyes of the public, and make their work worthy of the attention of every christian and friend to liberty.

This paper is open for discussions on both sides of the question. Any well written communication for or against the debtors' cause will be inserted.

CONDITIONS.

The publication will be an octavo pamphlet of sixteen pages. It will be published in Boston monthly, and delivered to subscribers for one dollar and fifty cents per annum, half payable on the delivery of the first number, and the remainder at the end of six months from that time.

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It may be instructive to some of our readers who are unacquainted with the views of men in power, to read an account which demonstrates that though we are in a *free* country we cannot always be *free*. Even when the views of the people are in favour of a measure that would benefit the community, the power invested in a few lawyers and justices would operate as a barrier against its taking effect. We do not wish to be too severe against that class of people who get their living by the distresses of others; but when we see four judges on the bench together, equally qualified to understand; one, entirely uninterested deciding one way, and the other three against him; we have good reason to think there is something like *interest* in the way.

A number of gentlemen, who had been unfortunate in their pecuniary affairs and confined to the limits of the jail in this County, viewing them as partial and not calculated to answer the intended purpose of the law, as-

sembled together, and drew up a petition to have them extended over the whole town, and the waters, by which it is surrounded, so far as to enable poor laborers to go and work on board of ships, in the harbor, when the creditors had put them under the care of the jailor. These gentlemen, influenced by the motives of the purest kind, those of relieving their fellow creatures from poverty and distress, and their families from beggary and ruin, made some efforts to ascertain how far their fellow citizens approved of their plan, and after a few days exertion they found that fifteen hundred worthy members of society were in favour of it and had signed their petition.

A few hard hearted men, who by their success in trade, have become rich as to think themselves invincible, interfered and raised the large number of *one hundred and twenty* names to remonstrate against the petition.

By this time the subject of extending the prison limits became a topic of public discussion, and people were daily convinced of the propriety and necessity of the measure. About one thousand more of the citizens signed the petition, but the remonstrance ceased to increase. Those who had signed, bent on accomplishing their object, employed one of our most able Counsellors to defend their cause before the Court of Sessions. This gentleman, in being true to his clients, began his defence by using all the art and intrigue of which an experienced Lawyer is capable, with a view, no doubt, of prejudicing the minds of the Judges against the petitioners. He boldly communicated some things to the public papers, against them, which were ably confuted. The petitioners, finding themselves attacked by a small, though spirited opposition, immediately employed two gentlemen of the bar to defend their cause; and, (what is uncommon for Americans) were conquered by an *inferior* force.

### TRIAL BEFORE THE COURT OF SESSIONS.

*Friday Morning, September 1st. 1820.*

The Court of Sessions for the County of Suffolk, convened at 10 o'clock to hear debates upon the question of extending the prison limits in said County. HENRY ORNE, Esq. appeared as Counsel for the petitioners; and, after reading the petition, which then contained over twenty-five hundred signatures, he took up his grounds of argument with the judgment, firmness and candour, which are characteristics of that gentleman.

He first urged that the Court was bound to grant the request of the petitioners, although it may incur some resentment from the opposing party, and that the names on the remonstrance were no more respectable, and in point of numbers, bore no comparison with the petitioners. That citizens have a right to choose what legal regulations under which they will live, and that the voice of the people is in favour of the extension, which ought to have superior weight on the minds of the Judges. He then showed that the law was altogether in favour of granting the request of the petitioners.

He next went on to prove that the enlargement would be equally beneficial to debtors and creditors, that the present law punishes debtors as criminals, that honest debtors should not be considered as such, that the present limits are unequal: they serve the rich debtors, while the poor are not able to live in them, the law which confines them to the limits, does not compel them to pay, but deprives them of the means; therefore, the debtor is left to suffer in jail and his family to become paupers without the



creditor collecting any part of his debt. He further impressed upon the minds of the Court, that no limits would be impartial, except the whole town as asked by the petitioners.

MR. GALLISON, (employed by the gentlemen remonstrating,) spoke of the inconsistency of the measure, had always from the first information of the plan's being in agitation, thought it not legal nor expedient; criticised upon Col. ORNE's argument; not much to his own credit; as his remarks upon this point were principally confined to Mr. ORNE's use of the words *compulsion* and *punishment*. He then argued, with great ability, that the extension would virtually abolish imprisonment, and impressed on the minds of the Court, that they did not set on the bench to abolish imprisonment for debt. He denied that the poor would be benefited by the arrangement, and that the rich insolvent alone. He then, in the heat of debate, insulted *twenty-five hundred* of his fellow citizens, by saying that they were determined to keep their creditors' property. "These and these alone, are the men who offer this petition." He was then interrupted by one of the committee, who informed the Court that David Sears was a signer to the petition. Mr. Gallison then said he knew that there were people who were easily duped to sign any thing like a petition, that he could get half of the community to sign a petition to abolish all law and put an end to all civil and moral regulations. But it was not names that could warrant them to grant this request. He then asserted that they had no legal authority to grant the petition, and read over law authorities for half an hour, when he was interrupted by Mr. Orne, who read one clause which put the point at rest, respecting the legality of the measure. Mr. Gallison still continued to declare that the law did not authorise them, and that the legislature had not delegated such power to the Court of Sessions, and that men are not oppressed by the present arrangement, that the town would be a refuge for rogues, and (and what every body knew before) that his own interest would be affected.

The Court then adjourned to Monday, to meet at nine o'clock, and hear further arguments.

*Monday Morning, September 4th, 1820.*

The Court of Sessions met on adjournment to hear further debates on the question of extending the prison limits in the County of Suffolk. The petition was again examined and it was found that three hundred more citizens had signed it, which made twenty-eight hundred names in favor of the measure.

S. L. KNAPP, Esq. appeared as Counsel for the petitioners. He addressed the Court in a very expressive and pathetic manner, stated that the question was of great importance, as it embraced the whole interest of debtors and creditors, made some comments on the proceedings of the former setting of the Court, gave great credit to the abilities of the opposing counsel, but said that his eloquence had not made *him* a convert, gave some account of the respectability of the petitioners, and censured the opposing counsel for trifling with their honesty, he urged that the petitioners are respectable in numbers and in reputation, and that their wishes ought to be gratified, "*Vox populi vox dei*," the voice of the people is the voice of God. He then proceeded at a considerable length with a very able and eloquent plea, in which he showed many defects in the debtors law, and pointed out many instances of the bad effects resulting from confining people in jail, or within narrow limits, and then closed with such remarks as plainly showed

that he did not only advocate the cause as a Lawyer, but as a feeling and humane citizen.

Mr. Gallison declared against Mr. Knapp's argument, and said it was all sophistry, and that it had no bearing upon the question. He again insulted the petitioners, saying that he could get twenty thousand such to sign to any absurdity, and they were all dupes or debtors that were on the petition, and those on the remonstrance, are respectable shopkeepers, & that they never put their names to what is not right. He again tried to persuade the Court that they had no power to grant the request of the petitioners. He was interrupted by Judge Rand, who said that the General Court had left it in their power to alter, amend, or even to make laws respecting such regulations, but questioned whether it would not be making a bad use of that power. Mr. Gallison continued to argue that the Court have power to alter, but not to extend, and charged Mr. Orne with making a wild decision respecting the law. He was interrupted by Mr. Orne, who told him that in regard to the Constitution, he (Gallison) had made the most wild decision ever made by any man acquainted with the law. Mr. Gallison then continued with a long course of declamation, which amounted to nothing; and after speaking some time, he was answered by Mr. Orne, who in very able and eloquent manner, exposed the fallacy of Mr. Gallison's plea, said that he would not be guilty of making a plea so much in the face of justice and humanity. After continuing for some time in advancing such ideas as showed the purity of his principles as well as his abilities as a Counsellor he closed the subject with the following remarks—"I have come forward to advocate the cause of the unfortunate, I ask you to erase the blot that inhumanity has established."

The Court then adjourned to Tuesday morning September 12th.

*Tuesday Morning Sept. 12th, 1820.*

The Court of Sessions for the County of Suffolk, convened as per adjournment to give their decisions on the question of extending the prison limits in said county. The petition was again examined and it was found that three hundred more names had been added which made in the whole, 3,100. There were four Judges on the bench, they had their opinions made up in writing, Judge Rand read his opinion first, and rejected the petition on the ground that it was not anticipated by the Legislature, that the Court should exercise their power so extensively. Judge Little then read his opinion and was altogether in favor of granting the request on the ground that the resources of the debtor would be left, while the claim of the creditor would not be impaired.—

Judge Jones then gave his opinion, verbally, against the measure, accompanied with a few remarks which are not worth noticing; they corresponded with those of Judge Rand.—

Judge Donnison then read his opinion against it; which was candid.

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How odious it is to observe in the world, multitudes of men, who by some means have become the favorites of fortune, and have furnished themselves with abundance from the hard earnings of the industrious part of the community, who now, leaning on their wealth, believe themselves invincible, and look with a hardened heart on those whom they once were proud to treat with respect; they are such men as esteem none but for their world-



ly possessions ; hence the evils that exist in society, talents are obscured by the influence of gold and the usefulness of men of genius is withheld from the world. In these times, honors are only bestowed on those who are able to buy them.—Men of real merit have their names kept in obscurity until after their death, when those fortune-mongers are not liable to be interrupted by their talents.—A few only have been able to make their way through the prejudices of mankind, so far as to gain merited honors while they lived. The absurd practice of appreciating men's merits per centum, is a foible of human nature too deeply rooted to be removed by the single effort of any individual. Let us then endeavour to evade its evil effects by adhering strictly to the principles of truth and justice, and by regarding nothing as meritorious because it rallies under the golden flag of wealth; let us be cautious not to put our trust in those, whose fortunes enable them to trade upon us as they would upon negroes at a fair.—Let men of moderate fortunes be preferred to fill our offices of government.—The men of talents and of honest principles are alone entitled to our confidence.—The rich man is pondering over hoarded wealth, and devising means to save and increase it, while the real patriot, the man of honesty, is meditating upon the human mind and contemplating on the means to be used to make men equal and happy.

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“ALL men are born free and equal and have free and equal rights,” so says our National Constitution. A majority of our Court of Sessions, have decided against the limits of the prison's being extended. Upon what grounds can they say that the present limits give that freedom and equality which were contemplated by the framers of the Constitution under which we live? Is it possible that when the limits of a jail will admit one debtor to sleep in the same house with his family, while another, in the same town, is debarred of that privilege; Is it possible that there is equality, if so, tell us what is *inequality*?

The inhabitants of this town, or a majority of the legal voters, have petitioned for the limits of the prison to be extended over the whole town. By the influence of a petty remonstrance of 120 names, the petition has been rejected.

After a fair and impartial examination of the case, we find that the Court have legal power and the consent of the people to grant this request, and not only that, but they have the precedent of many of the most populous towns in N. England. What are their reasons for not granting the request, why simply these, three *judges say it would, &c.*—and the fourth with more firmness, says very candidly and with more fortitude than the rest that he believes that the limits should be extended over the whole town according to the petition.—This judge has no interest depending respecting the arrangement, he is not interested in swearing men out of jail at \$2 each, nor does he, from the manner in which he read his opinion, appear to be concerned but for the benefit of the public. It must be too well known to require comment, that provided the jail limits should extend, there would not be so many debtors committed; of course there would not be so many to swear out of jail. Consequently, the officers employed for that purpose, would not be able to receive so many fees.

THREE THOUSAND ONE HUNDRED, a cabalistic term, always to be remembered in Boston.

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"Cut your hair very close,"—is the order of the day, and "have a pair scissors ready"—for what purpose?—Gentlemen, in the early part of the Christian Era were distinguished by long hair, and the insolvent debtor, on resigning himself to the future service of the creditor, presented the potent scissors, which were instantly applied to his flowing locks, the marks of that freedom he no longer possessed. The pious christians of the present age instead of taking their debtors into their own employ, will not suffer them to have any employment so long as the law allows them to prevent it, they charitably allow the poor man to wear his *hair*, and merely *cut* off every means of support for himself and family. Would it not be another improvement to compel the debtor, instead of *scissors* to carry an *axe*, with which his creditor might *cut of his head*. What a saving this would be to the country, and what a glorious satisfaction to the rich man, to have the pleasure of executing his victim himself.

We hope this hint will be attended to by our wise legislators, for, if they have the power to deprive a man of his liberty, because he is poor, they can on the same principle deprive him of life.

"He takes my *life*, who takes  
The means whereby I *live*."

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*For the Debtors' Journal.*

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GENTLEMEN,—I am not disappointed in the ultimate decision of the Hon. the Justices of the Court of Sessions respecting the extension of the jail limits in the county of Suffolk; many reasons may be adduced for their decision, which are at present not necessary to be communicated to the public, and many reasons may be urged and many facts stated, which perhaps, had they been known to their honors, and by them have been duly considered, would have induced them to have given a decision entirely different.—In all Christian Countries it is the avowed object of the people and its laws, to do good to, and benefit all, rather than injury. It is therefore necessary that all laws should be duly executed and obeyed, until by experience we find them pernicious in their effects. If we find laws enacted for our benefit, and the good of the whole, have a contrary effect from that which was intended and contemplated it is our duty, to use all honest means to have such laws repealed, or at least, to have such liberal construction put on them as will best answer the purpose for which they were intended. Such a law I consider that intended for the benefit and relief of poor debtors. The intention of this law, and its effect, in my apprehension are entirely at issue, by one section of it, a debtor is allowed to retain fifty dollars value in household furniture, a bed for every two persons in his family, &c. at the same time his creditor has a lien on his body, and although his little remnant of property is saved from the harpies of the law, his body is arrested and carried twenty or thirty miles to a prison—his family without the means of support, for this law does not provide a penny's-worth for their



sustenance, and by this coercion, his credit is destroyed, and when he arrives at the prison if he is fortunate enough to procure a friend to give him the liberty of the yard, has the *great* privilege of idling away thirty days of his life within a few square rods of ground, amidst the corruption and vice of a jail yard limits, and three or four taverns and dram shops,—while the town where he belongs, and where by his labor he has procured a decent support for himself and his family, is not only obliged to support him in idleness while in prison, but his family also—and all for what—for the benefit of the creditor? no—it cannot benefit him to confine his debtor to the limits thirty days, and make additions to the bill of costs made on the suit, does it benefit the debtor? no—because it deprives him of the means of supporting his family—does it benefit the town where he lived, or the community at large? no, it can be no benefit to a town to support a man in prison, and his family in consequence of it, who if at liberty is not only able, but willing, by industry to support them, and it cannot be a benefit to the community at large to have a member of it placed where he is habituated to scenes of idleness, drunkenness, gambling, and all the evil and corruption attending the prison limits. Who then I will ask receives any benefit from this debtor's imprisonment. It is the pettyfogging lawyers which swarm in every Village throughout the Country—and their Jackalls the Constables of the town, or the Deputy Sheriffs of the County—for six years I performed the duties of a Deputy Sheriff in a neighboring County, and out of 400 writs of attachment entrusted to and served by me, seven eighths of the debts were under ten dollars, and I have no doubt one half were under six dollars, to every one of these demands an additional expense of one third, and in many instances one half, was added to the original demand for lawyers fees, attendance, continuance, Sheriff's and Justices fees, & all the *et ceteras* attending this limb of the law—thereby increasing the demand and diminishing the debtor's means of payment. It may be asked, did you commit many debtors to prison on these small demands. I answer no, *my* instructions generally were from the Attorney, get my fees or serve them, and you may *take a new note on demand with interest*—for the debt—by paying this bill of cost, it reduces the debtor's means of payment, and it is a fact which happened not unfrequently, that suits have been commenced on the notes thus given, two or three times, two or three bills of cost collected and paid the Attorney, and as many notes given on demand for the benefit of the creditor, while the debtor by these repeated bills of costs which he has paid, not only exhausts his resources, but has entirely worn out the patience of his friends. At length the last note given is put in suit, the debtor in consequence of former bills of costs is now unable to pay or secure either debt or cost, is committed to prison, and the creditor may think himself happy if he loses the amount of his debt, and last bill of cost, without an additional one on his own account from his quondam friend the lawyer.

In a future communication I will endeavor to point out other pernicious effects resulting from the laws, entitled “Laws for the benefit of poor debtors.”

*For the Debtors' Journal.*

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GENTLEMEN,

As the subject of the extension of the jail limits is now before the public, it will not be amiss to enquire into the motives of those who are opposed to the petition which has been presented to the Court of Sessions; one of their arguments is, that the petition should not be granted because the petitioners are *poor, bankrupts, lazy and idle* people, and are *interested*. That many of them are poor and some of them bankrupts, there is no doubt; but are they idle from choice? or from the want of some wholesome law, which will enable them to pursue an honest calling without interruption? and what tends more to produce laziness than to shut a man up in a place where he cannot work if he would. That the petitioners are *interested* is to be hoped, who petitions that is not interested? what induces the manufacturer to ask for an increase of taxes on foreign fabrics, or the merchant for free trade and national protection? is it humanity, patriotism or *interest*? It has been said also that if the limits be extended it will be a curse instead of a blessing to the poor, that the laborers and mechanics, who work by the week will not get credit as is usual now, till Saturday night, and consequently their families will suffer—Let the laborer exact the same prompt payment from his employer as the grocer and butcher do from him, and the anticipated evil will be remedied, let him be paid daily, even hourly if he wish it, why should the poor trust the rich?

In answer to the assertion that any extension of the jail limits would be an encouragement to rogues and swindlers, it need only be observed that those are the very people who would rather live easy, in a prison, than earn their bread honestly, out of it; and that the dashing blade, who has genteely swindled his creditors out of ten thousand dollars, is suffered to roam "free as air," wears the best clothes, eats the best meats and guzzles the best wine, while the poor, industrious laborer, who is so unfortunate as to owe five dollars, is taken from his work and his family (who must starve, unless like the camelion, they can live on air) and confined thirty days in a loathsome prison, and this is done that the poor man may be punished, the *poor* lawyer may get his fee, and the *magnanimous* creditor "may have his revenge." The difference between a small and large debtor is something like that between the pirate and Alexander—one is called a *scoundrel*, because he owes *ten* dollars, the other a *gentleman* because he owes *ten thousand*.

[To be continued.]

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*For the Debtors' Journal.*

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"PUT MONEY IN THY PURSE."

Shakespeare never gave better advice than that which he puts into the mouth of the crafty Iago, who so earnestly urges Rodrigo, if he wishes to accomplish his designs, to "put money in his purse." It might well be called the *golden rule*—if a man wish for fame, for respect, for power, for the reputation of possessing talents, and virtue, he must "put money in his purse" or all his exertions will be in vain. Does a young man with the form of



satyr, wish to be thought an adonis by the ladies, to be called a scholar without knowing his accidence, to be a captain without the trouble of learning the drill, and an esquire at the age of twenty-one, let him "put money in his purse."—Does an old man want a young and handsome wife, to doze through a session of the Legislature to gain the title of *honourable*, to be called a "stranger of distinction," when he travels and "a man of respectability" at home? if he be *impotent, ignorant, and mean*, he can gain all these *blessings*, if he be fortunate enough to have "money in his purse."

Reader are you vain and wish to be flattered, do you want perpetual smiles from the ladies and most reverend bows from the gentlemen, do you like to dine two or three times a year at the public expence, to be familiar in all the circles of "beauty and fashion"—to have a seat in St. Paul's Church, and finally to avoid a *prison*, Why—"Put money in thy purse."

"Sovereign money gives a man a wife with a large portion, and friends, and family, and beauty; and the goddesses, persuasion and Venus grace the well-monied man. If then, wealth alone, can make and keep a man happy; be first in beginning this work, and last in leaving it off." HORACE.

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To the Editors of the Debtors' Journal.

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"DIVITIIS COMITATUR LUXUS ET LUXUS EXIT IN LYRRANIDEM."

GENTLEMEN.—I rejoice in hearing that it is contemplated to institute a periodical publication, bearing the above title, calculated to subserve the cause of liberty and humanity by mitigating the sufferings of citizens imprisoned for debt in Boston jail. Originating in benevolent and philanthropic motives, I most fervently hope that it may not only ameliorate the wretched condition of debtors confined in jail, in Suffolk county; but have an extended spread; and, by republication in other and distant humane prints, conduce to the amelioration of the state of unhappy debtors, who, through the failure of others to pay them their just dues, or by any misfortune are immured between the narrow, rugged walls of a prison, and unjustly rendered the victims of privations, tyranny and cruelty.

I will state to you, gentlemen, part of "a round, unvarnished tale," relevant to the chilling situation of debtors in Boston prison.—They are unprovided with a single chair, table, plate or any kind of dish, knife, fork or spoon, bed or bedding. They must *tear* their allowance of meat (uniformly of one sort, i. e. boiled beef) with their fingers or teeth, as they choose. There is no kind of vegetables provided and no drink but water. It is a pound of bread and pound of meat, one day, and a pound of meat and bread the next, and so on, *alternately*, for 76 days, and, if a Common Pleas Writ, for 9 months! almost three quarters of a year for \$ 21! the naked floor is their bed and the ragged heads of large spikes their *soothing* pillow. I have seen 3 men, who, but for the humanity of an officer of the prison (Jackson) must for 3 weeks past and at the present time, repose softly next an oak plank. There is no yard in which to exercise their languid frames, or inhale the pure air of heaven, but they drink contamination and disorder every breath. Confined in a small room, which contains but little more than a sufficient number of square feet to form a grave for each, (8 prisoners in a place, 18 feet by 12,) and at no time permitted to go out; they

must "behold the face of kindred and of friends" through iron grates, like guilty, condemned criminals! Even under the British *corde*s, a large yard is allowed to prisoners for debt. "Tell it not in" Quebec, "publish it not in the streets of" London, "lest the sons of monarchy and aristocracy rejoice, lest they triumph."

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*For the Debtors' Journal.*

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*"Do unto others, as you would that others should do unto you."*

It is too often the case that people are willing to retaliate upon society for the wrongs they have suffered from individuals; the man who has been oppressed himself makes that an excuse for abusing others, and "does unto others as others *have* done unto him." The apprentice, who has suffered under a petty tyrant for years, becomes a hard master in his turn. He, who has experienced ingratitude for benefits conferred, often returns ingratitude for benefits received. The officer, raised from the ranks is the most rigid disciplinarian, the freed negro is the most inhuman slave driver, and the cabin-boy, who has so often been kicked "*from stem to stern*," when "clothed with a little brief authority" feels it almost a duty, to treat others in the same manner. Circumstances which daily occur in this town, will illustrate the above positions. The writer of this was sued on a special writ for a debt not exceeding ten dollars, for which he had never been asked and consequently did not anticipate any trouble. I went to my creditor (who is a poor man) and asked him if he thought he had treated me handsomely, no. "Then why did you do so" his reply was, "why that's the way people treat *me*, I was sued twice this week in the same way." But did you think I should run away? "By no means" Then why did you send a constable after me? I was advised to," "who advised you to that measure" "my lawyer," does your lawyer know me? "No, but he said I must treat people as people treated me"—Here's a precious confession! an insignificant attorney, who never did more than fill a writ or write a dunning letter, persuades his poor client to sue a man, whom he never saw nor heard of! but the lawyer wanted his fee, and his client, irritated by the oppression of his creditors, felt a fiend-like satisfaction in making others feel as disagreeable as himself.

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(To be continued.)

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*To the Editors of the Debtors' Journal.*

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GENTLEMEN,—Every friend to humanity, must rejoice in the publication of your proposed journal, as the means of informing public opinion of the actual effect of the system of imprisonment. The refusal of the Court of Sessions to grant the prayer of so large a majority of the respectable inhabitants of this town, is as unpleasing as the reasons offered by some of the Judges were unsatisfactory. Undoubtedly many good men have honestly approved the extension, from a belief that the laws were insufficient now to



afford a proper security to the creditor : without reflecting that the rigour of imprisonment as it is now felt, has no tendency to augment that security, but only to oppress the poor and unfortunate debtor. It is not probably known to humane people, that the scene of the poor man's occupation is without the present limits, and that by a recent law of the Commonwealth he cannot have the indulgence of them, without providing for his own maintenance. A regulation which precludes him the enjoyment of them altogether, when deprived of the only opportunity to make his industry productive. There can be little doubt that a knowledge of the actual suffering occasioned by imprisonment will induce every one to unite in a plan for its amelioration : and if additional security is wanted for the creditor, it is perfectly compatible with this object of humanity.

There is, gentlemen, another class of cases equally oppressive for which you may afford a pretty effectual remedy, under the color of law, exorbitant fees are sometimes taken by the officers, which preclude detection from the want of a precise knowledge of their proper amount. The following list contains the fees most usually received, and by publishing them you may enable every one to ascertain in what cases he is imposed upon, and he may rest assured the laws will afford him a prompt and adequate remedy.

*Fees allowed to Sheriffs and Constables.*

In serving a writ by a summons, where there is no arrest of the body or attachment of property. 30 cts.

In the same cases when the body is arrested, or property attached. 50 cts.

In both cases where the officer is bound to leave a copy of the process, he is allowed in addition 12 cents a page.

When the body is arrested, if the debtor give bail, he is bound to pay for the bond. 20 cts.

Thus the whole amount which a man can be liable to pay whose body is arrested and discharged on bail is 70 cents. And the officer refuses bail at his own peril. Therefore no fees for indulgence can be legally demanded.

When an execution is levied on property, the officer is allowed four cents on each dollar under \$100. 2 cents on each dollar over \$100 and under \$200, and one cent on each dollar above that sum. And the same amount is allowed on the sum claimed on the execution when the body is committed.

The jailor is allowed 20 cents for each person committed or discharged.

When a poor debtor is admitted to his oath, he is liable to pay the following fees.

To the Justices.

The Justice who issues the notification to the execution creditor is entitled to recover 50 cents therefor. 50 cts.

For administering the oaths each Justice is entitled to 20 cents, or for both. 40 cts.

When the creditor puts interrogatories to the debtor and there is an actual examination, each Justice is entitled to a further sum of \$1 for each day of the examination, not exceeding two days. \$ 2 00

To the officer.

For serving the notification on the creditor or his Attorney, 30 cents, and when he lives at a distance a further sum of four cents a mile.

30 cts.

To the jailor.

20 cts.

Every person receiving fees is bound if required, to make a particular statement of them in writing, and for wilfully receiving greater fees than above, the person forfeits \$30, either by a presentment of the Grand Jury, in which case the sum goes to the commonwealth, or by a writ brought in the Court of Common Pleas, where the party who sues is entitled to the penalty.

I have thus, gentlemen, given you a statement of those fees most interesting to the poor debtor, and most frequently the occasion of abuse on the part of officers and magistrates, in hopes it may prevent extortion. It is respectfully submitted to you, to be made that use of, your discretion may think proper.

JUSTICE.

We shall occasionally give some extracts from the able and elegant Essays of Howard, a prisoner for debt in New-York jail. His are not mere speculations, he speaks from experience and records facts. The following contains some good arguments,

"Pluck out affection! all bond and privilege of nature break!  
Let it be virtuous to be obstinate! Never be  
Such a goslin as to obey instinct."—*Shakspeare*.

If I can demonstrate that imprisonment for debt is a barbarous custom, not founded in reason and humanity, but growing out of wicked passions;—that it is the *old child* of a dark and savage age—fostered and pampered by the laws of these *enlightened* times; that it is contrary to the spirit of the Constitution of the United States of America, and incompatible with that liberty which our fathers purchased at the price of blood, and which they bequeathed to us as an inheritance, more precious than life.—If I can show to a logical or mathematical certainty, that it is expressly forbidden by the sacred Jewish laws, and denounced as a sin by the word of Christ himself; I shall do just about as much good as a man who desires to move a mountain and heaves only a pebble against its side.

What has pride? or what has the liberal spirit of the Constitution, to do with the short-sighted policy of these political dog-days? who among the enlightened sages of our state Legislature, will dare to stand forth in the cause of humanity, justice and religion, when the almighty "spirit of party," beckons him to the "wayward side."

Too much occupied about the promotion of party interests, and heated in the *laudable* pursuits after office and emolument, our Legislators cannot possibly pay any attention to the *little secondary* objects of humanity. To be sure, if the English or French put an American in prison, a host of demagogues rises up at once, blows a furious blast that rouses the passions of the people, and, echoing over the hills and through the vallies of the nation, turns the eye of every body upon the "horrible cruelty." "Only think" said one of these valorous and sturdy champions, as he was haranguing the mob about the inestimable rights of *liberty* pending an election, "Only think! the French have siezed sixteen Americans and cast them in-



to jail, where perhaps they linger, at this moment, destitute of every comfort of life. What think you of that, my fellow citizens!" "Why" replied a wag "it must be just such another place as that where you kept me six months for a debt of forty shillings!"

I appeal to the impartial judgement of every body, and ask, is not the whole nation just as ridiculous as this doughty demagogue?

Do we not bluster at a terrible rate if any other government touches the personal liberty of a citizen? And yet, among ourselves, do we not legally authorize one citizen to deprive another of that liberty, for a paltry debt of forty shillings or less?—I knew a soldier in jail. He said he fought eight years for liberty. He was wounded at Brooklyn—had two horses shot under him at Saratoga—and lost the use of his right arm at York-Town. His liberty cost him very much.—But a justice of the peace took it away from him, because he was poor, and could not pay the sum of three dollars and seventy-nine cents. Is it a sin to be poor? Is it a crime to owe money? If so, gentlemen members of the Legislature, I conjure you, in the name of the Constitution, to promulgate them as crimes. Set them down in the catalogue of state misdemeanors—fix a proportionate punishment—Suffer a jury to decide upon them—and an independent judge to graduate the penalty and the pennance, according to promulgated laws. At present, alas! the creditor alone calls the debtor a criminal. A jury finds the debt due. The creditor then, is the sole judge of the extent of the punishment which the debtor shall endure, and the laws supplies him with power to punish precisely according to his vindictiveness. What! a man judge in his *own* case? Is not this a little unconstitutional?—Yes—but it is the custom, and, therefore superior to law—superior to the Constitution—"pulls justice by the nose and spits in the face of religion." It is the *usage*!

Thus methinks, I hear the law of the land, asking—"Good Mr. Creditor, how long doth it please your angry and merciless humour, to persecute your debtor? for however wicked and malicious you are, we tender you the irresistible force of all our statutes to aid and support your immoral majesty!"—To which the creditor replies rejoicing—"excellent law! wise law! superior to the *discarded* prejudices of humanity and religion—that despiseth God and worshippeth Mammon!"

Short-sighted and pitiful sticklers for the system of imprisonment for debt! ye who cry aloud in the markets about political freedom, and vote in the Councils for personal slavery—take notice, that, though I am poor and a prisoner, I, nevertheless, peep from my little tower, and mark ye all—know ye, "ye simular men of virtue" I will not cease, in the name of humanity—in the name of justice—in the name of the Constitution—in the holy name of religion to denounce you.

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*For the Debtors' Journal*

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MESSRS. EDITORS.—As you have engaged to make a journal of the sufferings of debtors I will state to you a case which may deserve a place in your paper—among my acquaintance there is a gentleman who was once an agent to a cotton factory. After transacting the business for the association for some time, the company failed—The agent, being the only man known in Boston, as the owner of the property belonging to the company, was very

severely censured for failing, (as every man that fails usually is) he had many small demands out against him, which were immediately presented for payment—In consequence of the company's failing to which he belonged, he was compelled to loose the commissions due to him for his services, (as there is no law in existence that will make a man pay away what he does not possess.) This poor man, who has done the best his abilities enabled him to—has had a note of fifteen dollars, given when agent to the company, that has failed, bought by a pettifogging Lawyer and sued, and has been compelled to stay away from his family thirty days in order to serve his time out as a "*bond servant*" to satisfy his *self elected creditor*, the Lawyer, sufficiently to enable him to claim the poor debtor's oath under our present *mild laws*.

Query.—Who was benefited by this operation of our debtors law? W.

We can assure our correspondent, that the jailor and constable were benefited. For unless they are paid, the poor man must remain on the limits as long as he lives.

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*From the Boston Patriot.*

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#### HOWARD—No. 8.

The rate of a laborer's wages, in every country, is considered the one barely sufficient for his maintenance. The necessities of life for himself and family, must be furnished him; but what are necessities is a question which admits of great modification. It is not simply what preserves animal life. When reduced to this scale, necessities are few indeed. "Allow not nature more than nature needs, man's life's as cheap as beast's." Those things are usually considered necessities, which are required by our habits as well as our natural appetites. Habits are widely different in different countries, and we have reason to thank heaven that simple necessities in our own, are superior to the luxuries of many others. These necessities may be procured either by the immediate proceeds of labor, or obtained on credit, and eventually paid for from the same fund. Let us suppose, what is not improbably the fact, that about one half is obtained in each of these ways. A man who requires \$300 a year for the maintenance of his family, contracts debts during the course of that year to half that amount. He refuses to discharge these debts as they become due, either from choice or inability.—Let us suppose in the first place it is from choice. These debts, perhaps ten in number, are sued, and the expense on each is \$5 or thirty-three per cent. His debts if \$150 are thus increased to \$200, and as the product of his labor is barely sufficient for the subsistence of his family, he is unable to defray these accumulated costs. But he must be compelled—the laws will force him to discharge his obligations to an honest creditor. He is apprehended on one execution and confined thirty days, at which time he is allowed the benefit of the poor debtor's oath. How stands his account current at the end of that time?

Expense of his family for one year,	300	Products of labor one year,	300
Costs of suit,	50	Loss by 30 days confinement,	30
Board and prison fees 30 days, say	10		—
	—		
dolls. 360			dolls. 270



By the use of the compulsory process of imprisoning, a man whose labor was adequate to the support of a family, already finds himself involved in one year, \$90 in debt. Now suppose he contracts no other debts after this year, in what way can he become solvent? His daily labor is consumed in his daily sustenance; how can he defray this debt of \$90? If it be practicable at all, it is obvious it can only be done by depriving his family of the necessities of life; in which case, they must either become subjects of squalid poverty, or mendicants. But he may be discharged on the poor debtor's oath. It would certainly be a strange argument in favor of confinement, to show that its mischief is prevented only by its becoming ineffectual—a better way to prevent the mischief would be to dispense with the use. But it is not true; the remedy is indeed ineffectual, but the mischief is not prevented. To obtain the poor debtor's oath he must suffer imprisonment thirty days on every distinct item of debt; which in the case supposed, would be ten months of the year, and then can only be discharged by the payment of 4 or \$5 expences on each suit. His account current would then stand the 2d year, in which he has contracted no new debt.

Family expenses,	308	Estimated labor of one year,	300
Fees for swearing out on ten suits,	50	Deduct ten months confinement,	240
Boarding ten months in jail, say	30		—
	—		dolls. 60
dolls. 430			

At the end of the second year he has only \$60 to provide for the necessary expenses requiring \$430. His family must either have become paupers, or he would be \$370 in debt. If this be not the necessary operation of imprisonment, we ask any one better acquainted with the subject to explain it to us. It is in vain to say this is an extreme case, and that the facts under the operation of the law do not warrant it. This is not asserted. All that we contend is, that this is the necessary result of the application of this system of compulsion; it destroys the means of compliance. If the application of the compulsion is foreborne from the consciousness of its inadequacy, is it not a powerful argument to show that it should not exist? If the compulsion be too mischievous to be applied, is it not a dangerous, a tremendous power committed to the hands of vengeance, or animosity? The case we have supposed is one of voluntary delinquency in the debtor, who certainly ought to be compelled to do justice; and the only argument we build upon the case is, that the system of imprisonment cannot compel him, because though adequate to control his will, the moment it begins to act it undermines his ability. But instead of a case of voluntary delinquency, suppose it were accidental. His usual expenses had been increased by sickness, and perhaps by death, in his family; and his opportunity to labor diminished by his own illness—Is there a human monster who would use the right of imprisonment? I do not say there is, though it is a difficult task to shew the contrary. But I ask, is there a human law to give him the power?

*For the Debtors' Journal.*

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**THE BANKRUPT.**

Do you see the poor bankrupt, who totters along,  
 His countenance fallen, his spirits oppress'd ?  
 No pity he gains from the cold-hearted throng,  
 While his deep-bursting sighs tell the throbs of his breast :  
 His dimm'd eye is sunken, his head is hung down,  
 Keen misery's stamp'd on his cold-sweating brow,  
 And the tear of wild agony, checked by his frown,  
 Peeps forth from his eye-lids, forbidden to flow.  
 His children are beggars, his wife, oh forbear  
 To paint the sharp anguish a mother must know,  
 When she sees the sweet scions, she reared with such care,  
 By the blast of adversity, nipped e'er they blow.  
 In vain to his judges, a suppliant in prayer,  
 He tells his distresses and cries for relief ;  
 His judges are deaf, while the barb of despair  
 Corrodes in his heart with the canker of grief.  
 Oh go to thy grave, wretched man, go thy way,  
 Nor mercy nor pity expect from mankind,  
 Thy full cup of sorrows forbids thee to stay,  
 Where avarice, power, and wealth are combined.

CORVIN.

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**HOWARD ; THE PHILANTHROPIST.**

" From realm to realm with cross or cressent crown'd,  
 Where'er mankind and misery are found,  
 O'er burning sands, deep waves, or wilds of snow,  
 See Howard, journeying, seek the house of woe.  
 Down many a winding step to dungeons dank,  
 Where anguish wails around and fetters clank :  
 To caves bestrewed with many a mouldering bone,  
 And cells, where echoes only learn to groan ;  
 Where no kind bars a whispering friend disclose,  
 No sunbeam enters, and no zephyr blows,  
 He treads, inemulous of fame or wealth,  
 Profuse of toil and prodigal of health ;  
 With soft assuasive eloquence, expands  
 Power's rigid heart, and opes his clenched hands ;  
 Leads stern-eyed justice to the dark domains  
 If not to sever, to relax the chains ;  
 Or guides awakened mercy through the gloom,  
 And shows the prison, sister to the tomb !  
 Gives to her babes, the self-devoted wife ;—  
 To her fond husband, liberty and life !  
 —The spirits of the good, who bend on high,  
 Wide o'er these earthly scenes their partial eye,  
 When first arrayed in *Virtue's* purest robe,  
 They saw her Howard traversing the globe :  
 Saw round his brows her sun-like glory blaze,  
 In arrowy circles of unwearied rays ;  
 Mistook a mortal for an angel guest,  
 And asked what seraph foot, the earth imprest."



